

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

VANCE S. ELLIOTT,
Plaintiff,
vs.
THE SAN FRANCISCO BOARD OF
SUPERVISORS,
Defendant.

Case No: C 09-1397 SBA

Related to: C 08-2352 SBA

**ORDER DENYING PLAINTIFF'S
MOTION TO TRANSFER VENUE
AND MOTION FOR SUMMARY
JUDGMENT**

On September 19, 2009, the Court denied Plaintiff's request to proceed *in forma pauperis* and dismissed the instant action, pursuant to 28 U.S.C. § 1915(e), on the ground that it was duplicative of his prior action, C 08-2352 SBA, which the Court previously dismissed. On February 18, 2010, Plaintiff filed two motions in this case to change venue from Oakland to San Francisco. (Docket 20, 21.) Because this action has already been dismissed, these motions are DENIED as moot.

Plaintiff has also filed a “Motion for Summary Judgment.” (Docket 22.) However, this motion does little more than reargue Plaintiff’s claim that San Francisco’s Single Room Occupancy policy is unconstitutional. That issue was addressed and rejected in the prior action, C 08-2352 SBA. Therefore, Plaintiff’s Motion for Summary Judgment is DENIED.

This Order terminates Docket Nos. 20, 21 and 22.

IT IS SO ORDERED.

Dated: March 15, 2010

Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ELLIOTT et al,

5 Plaintiff,

6 SAN FRANCISCO BOARD OF
7 SUPERVISORS et al,

8 Defendant.

9
10 Case Number: CV09-01397 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on March 17, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18
19 Vance S. Elliott
20 74 Sixth Street, #226
21 San Francisco, CA 94103-1608

22 Dated: March 17, 2010

23 Richard W. Wiking, Clerk

24
25 By: LISA R CLARK, Deputy Clerk